IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3230 OF 2005

Kaulchand H. Jogani & Ors. ...Petitioners

Versus

State of Maharashtra & Ors. ...Respondents

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Mr. A.V. Anturkar with Mr. M.Y. Shaikh, counsel for Petitioners

Mr. C.R. Sonwane, A.G.P. for Respondents 1 to 3.

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CORAM: B. H. MARLAPALLE, J.
DATED: 6TH MAY, 2005

P. C.:-

1. Heard Mr. Anturkar, the learned counsel for the petitioners and Mr. Sonwane, the learned A.G.P. for the respondent Nos. 1 to 3.

2. Being aggrieved by the order dated 2.8.2003 passed by the Collector, Mumbai Sub Urban district, Appeal No. 123 of 2003 was filed before the Divisional Commissioner, Kokan Division at Mumbai and by way of interim relief the same impugned order was stayed. The appeal has been finally decided on 15.3.2005 and against the petitioners. They have, therefore, filed Second Appeal before the State Government under the provisions of the Maharashtra Land Revenue Code, 1966 alongwith an application for stay. It is stated that the said appeal is still pending and the application for stay has not yet come

for hearing.

3. This petition, therefore, could be disposed of by directing the State Government to decide the stay application or the appeal, as the case may be, within a fixed period, by protecting the petitioners till then.

4. It is therefore, directed that the pending appeal before the Revenue Department of the Government of Maharashtra, be heard and decided on its own merits as expeditiously as possible but in any case before 31.8.2005. Till the petitioners' stay application is decided, status quo as at present shall continue. The petitioners shall appear either in person or through their counsel/advocate before the appellate authority on 17.5.2005 at 11.00 a.m.

5. The learned A.G.P. to communicate this order to the lower appellate authority forthwith.

6. The petition is disposed of in terms of the above directions.

7. Certificate copy is expedited.

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